

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

HYPHY MUSIC, INC. , ET AL. ,

Case No.: **1:23–CV–00683–ADA–EPG**

Plaintiff,

STANDING ORDER

v.

YELLOWCAKE, INC. , ET AL. ,

Defendant.

1. LAW AND MOTION

a. Calendar

Judge de Alba's civil law and motion calendar is held on Monday afternoon commencing at 1:30 p.m. in Courtroom 1, located on the eighth floor. All motions shall be noticed for hearing and parties are required to comply with Local Rule 230 and any other applicable rules and notice requirements with respect to motions. Motion dates are subject to change without notice. The parties may indicate in their papers if they wish to submit any motion for decision without oral argument. The court may elect to submit any motion for decision without oral argument and will advise the parties by minute order in advance of any noticed hearing date. Judge de Alba does not issue tentative rulings. If appropriate, Judge de Alba may alert counsel in a minute order to questions they should be prepared to address at oral argument.

////

b. Remote Appearances

Judge de Alba encourages telephonic or videoconference appearances. The parties may appear telephonically by dialing 1-888-557-8511 (access code 2219767) at the time of the hearing. Please be aware that the court may be hearing other matters using the same conference line, as such, wait to state your appearance until the court calls your case and requests it. Keep all background noise to a minimum. There will be no hybrid appearances: all persons in a single case must appear via the same format. If you intend to appear telephonically or via videoconference, you must inform Courtroom Deputy Mamie Hernandez at least 48 hours prior to the hearing at MHernandez@caed.uscourts.gov and she will provide videoconference information to attorney(s).

c. Briefing

All moving and opposition briefs or legal memorandum must use Times New Roman font size no smaller than 12. Footnotes shall be in typeface no more than one size smaller than text size. Unless the parties obtain prior leave of court, all moving and opposition briefs or legal memorandum in civil cases shall not exceed 20 pages. Reply briefs shall not exceed 10 pages. Only for good cause shown will the court grant an application to extend these page limitations. Briefs exceeding these limits without prior permission will not be considered. No supplemental briefs shall be filed without prior leave of court. The parties are required to notify the court if they are continuing to work toward settlement after submitting a motion.

d. Meet and Confer Requirement

Prior to filing a motion in a case where the parties are represented by counsel, counsel shall engage in pre-filing meet and confer to thoroughly discuss the substance of the contemplated motion and any potential resolution. The parties are expected to resolve minor procedural or other non-substantive matters during the meet and confer process so that the briefing on motions that proceeds to hearing is directed only to those substantive issues requiring court resolution. Counsel filing the motion shall include a declaration that the parties exhausted meet and confer efforts, with a very brief summary of said efforts.

/////

/////

e. Electronic Filing

The United States District Court for the Eastern District of California requires electronic filing of documents in all new and pending civil cases in which parties are represented by counsel. A party proceeding without counsel may request authorization to file electronically. Information about the court's Electronic Case Filing ("ECF") system is available on the court's website at www.caed.uscourts.gov/cmecf. See Local Rule 133.

All manually filed documents, i.e., those documents excused from the electronic filing requirements by the Local Rules, shall be served in conformity with the applicable Federal Rules of Civil Procedure or Local Rule 133.

f. Courtesy Copies

The parties are ordered to deliver to the Clerk's Office clearly marked courtesy copies of all electronically filed documents that exceed twenty-five (25) pages, and conformed courtesy copies of all manually filed documents, by either personally delivering them or sending them via guaranteed overnight delivery without signature required upon receipt. See Local Rule 133(f). There is no need to provide courtesy copies of answers or shorter pleadings.

g. Proposed Orders

Judge de Alba does not require the parties to submit proposed orders with motions to dismiss or motions for summary judgement but does require the parties to provide proposed consent decrees and proposed findings of fact. If the court does direct the parties to file a proposed order, the party should submit it as required by Local Rule 137(b) and email it in Microsoft Word format to adaorders@caed.uscourts.gov.

h. Ex Parte Applications

Ex Parte Applications are typically not heard but are submitted to the court unless the court notifies the parties otherwise. The filer is required to contact Judge de Alba's Courtroom Deputy and the opposing party *prior* to filing the application to advise that they are making such a request. Documents in support of the Ex Parte Application must include an affidavit indicating a satisfactory explanation for the following: (1) the need for issuance of such an order, (2) the filer's inability to

////

1 obtain a stipulation for the issuance of such an order from the other parties on the caption, and (3)
2 why such request cannot be noticed on the court's motion calendar as provided by Local Rule 230.

3 i. Discovery Matters and other Magistrate Judge Referrals

4 All discovery matters and other duties the Magistrate Judge performs pursuant to Local
5 Rule 302 shall be noticed before the assigned Magistrate Judge unless the court orders otherwise.
6 The assigned Magistrate Judge may modify a discovery cutoff if, in their discretion, an extension
7 of that cutoff is warranted to allow for resolution of a discovery dispute.

8 In addition to the motions already assigned to Magistrate Judges by operation of Local Rule
9 302(c), the undersigned now orders that the following categories of motions in cases bearing "ADA"
10 and "NONE" designations shall be noticed for hearing before the assigned Magistrate Judge:

- 11 1. Motions seeking the appointment of a guardian ad litem;
12 2. Motions for class certification and decertification pursuant to Federal Rule of Civil
13 Procedure 23; and
14 3. Motions to approve minors' compromises.¹

15 The undersigned will surely refer other motions to the assigned Magistrate Judge for the
16 issuance of findings and recommendations by separate orders in particular cases.

17 j. Pagination of Exhibits

18 Multi-page exhibits shall be internally paginated with the pagination for each exhibit
19 beginning with the number one; reference to those exhibits shall refer to the exhibit designation
20 and page number, i.e., Ex. A at 7, Ex. B at 1, etc.

21 k. TROs and Injunctions

22 Parties seeking emergency or provisional relief shall comply with Federal Rule of Civil
23 Procedure 65 and Local Rule 230. The court typically will not rule on any application for such
24 relief for at least twenty-four (24) hours after the party subject to the order requested has been
25 served; such party may file opposing or responding papers in the interim. The parties shall lodge

26 /////

27 ¹Magistrate judges may resolve motions seeking the appointment of a guardian ad litem by way of
28 order, while all other motions may be resolved by issuance of findings and recommendations.
See 28 U.S.C. 28 § 636(b)(1)(A).

1 a courtesy copy with chambers of all papers related to proposed TROs and injunctions, conformed
2 to reflect that they have been filed.

3 1. Sealing and Protective Orders

4 No document will be sealed, nor shall a redacted document filed, without prior approval of
5 the court. If a document for which sealing or redaction is sought relates to the record on a motion
6 Judge de Alba is set to decide, the request to seal shall be directed to her and not the assigned
7 Magistrate Judge. All requests to seal or redact shall be governed by Local Rules 141 (sealing) and
8 140 (redaction); protective orders covering the discovery phase shall not govern the filing of sealed
9 or redacted documents on the public docket. The court will only consider requests to seal or redact
10 filed by the proponent of sealing or redaction. If a party plans to make a filing that includes material
11 an opposing party has identified as confidential and potentially subject to sealing, the filing party
12 shall provide the opposing party with sufficient notice in advance of filing to allow the party to
13 seek an order from the court regarding sealing or redacting the material in question.

14 2. **SETTLEMENT CONFERENCES**

15 Settlement conferences are mandatory and are scheduled at times mutually convenient to
16 the court, counsel, and the parties. *See* Local Rule 270. Judge de Alba expects the parties to
17 meaningfully work toward settlement and may continue trial to allow for the parties to continue
18 working toward settlement where appropriate.

19 3. **TRANSCRIPT ORDERS**

20 If you would like to order a transcript, please contact the court reporter who covered the
21 hearing directly. Contact information for individual court reporters may be found on the U.S. District
22 Court's website.

23 4. **FINAL PRETRIAL CONFERENCES**

24 Cases in which Judge de Alba is conducting the Final Pretrial Conference, the parties are
25 required to file a Joint Pretrial statement seven days (7) before the Final Pretrial Conference hearing
26 date. Parties must email the Joint Pretrial statement as a Microsoft Word document to
27 adaorders@caed.uscourts.gov.

28 /////

1 **5. TRIALS**

2 a. Jury Selection

3 Judge de Alba utilizes the following method for jury selection. The court first conducts voir
4 dire, then allows short voir dire by counsel, and then ascertains if any potential juror will be excused
5 for cause. If a potential juror is excused for cause, a new name is selected and that person is voir
6 dired before jury selection continues. Once voir dire is completed and the Judge has ruled on all
7 challenges for cause, the Courtroom Deputy will provide the attorneys with a strike sheet to exercise
8 their peremptory challenges. Once the peremptory challenges are marked, the Judge excuses those
9 jurors until the desired number of jurors remain.

10 b. Presumptive Trial Hours

11 Subject to adjustment based on the other court calendars, Judge de Alba's presumptive trial
12 hours are Tuesdays, Wednesdays, and Thursdays, 8:30 a.m. – 12:00 p.m. and again from 1:30 p.m. –
13 4:30 p.m. and dark on Fridays. Lunch on full days is 12:00 p.m. – 1:30 p.m., and breaks on other
14 days are at approximately 10:15 a.m. and 2:45 p.m.

15 c. Electronic Equipment

16 Judge de Alba's courtroom is currently equipped with the following equipment: (1) ELMO;
17 (2) video cable hook-ups (3) large projector screen; (4) laptop hook-ups; and (5) monitors in the
18 jury box, witness stand, and at counsel table. The courthouse also has a projector available.
19 Counsel should contact the Courtroom Deputy, Mamie Hernandez, at least two weeks prior to trial
20 to verify that the equipment is available and in good working order. Counsel is also expected to
21 meet with the Courtroom Deputy the day before the first day of trial to view the courtroom and
22 learn how to connect to and use any of the courtroom's electronic equipment. Time will not be
23 provided during the trial should the parties fail to avail themselves of this opportunity.

24 d. Exhibit and Witness Lists

25 The parties shall email the Courtroom Deputy copies of exhibit and witness lists in
26 Microsoft Word format by the Thursday prior to the first day of trial via the following email
27 address: MHernandez@caed.uscourts.gov. Exhibit lists shall be in table format and include two
28 columns on the right side of the table, one labeled "offered" and the last labeled "admitted."

e. Deposition Transcripts

Counsel must lodge the sealed original copy of any deposition transcript to be used at trial with the Clerk's office no later than fourteen (14) days before trial.

f. Use of Conference Rooms During Trial

Conference rooms are available on either side of the courtroom (out in the hallway) for use during trial.

g. Jury Instructions

The parties should review the court's standard jury instructions noted below and submit only their proposed modification of these instructions along with any special instructions.

- Prisoner Pro Se Civil Jury Instructions (Preliminary)
- Prisoner Civil Jury Instructions (Preliminary)
- Civil Pro Se Jury Instructions (Preliminary)
- Civil Pro Se Jury Instructions (Final)
- Civil Jury Instructions (Preliminary)
- Civil Jury Instructions (Final)

6. NOTICE OF THIS ORDER

Counsel for plaintiff shall immediately serve this order on all parties, including any new parties added to the action in the future, unless this case came to the court by noticed removal, in which case defendant shall serve this order on all other parties.

IT IS SO ORDERED.

DATED: May 4, 2023



ANA de ALBA
UNITED STATES DISTRICT JUDGE